United Nations **General Assembly** A/C.3/54/SR.41

Distr.: General

Fifty-fourth session

Official Records

23 November 1999

Original: English

Third Committee

Summary record of the 41st meeting

Held at Headquarters, New York, on Wednesday, 10 November 1999, at 3 p.m.

Chairman: Mr. Galuška ..... (Czech Republic)

Contents

Agenda item 112: Promotion and protection of the rights of children (*continued*)

Agenda item 110: Implementation of the outcome of the Fourth World Conference on Women (*continued*)

Agenda item 114: Elimination of racism and racial discrimination (*continued*)

Agenda item 116: Human rights questions (*continued*)

(a) Implementation of human rights instruments (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*)

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (*continued*)

(e) Report of the United Nations High Commissioner for Human Rights (*continued*)

This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of publication* to the Chief of the Official Records Editing Section, room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

99-82319 (E)

The meeting was called to order at 3.15 p.m.

Agenda item 112: Promotion and protection of the rights of children (*continued*) (A/C.3/54/L.49)

1. **Ms. Newell** (Secretary of the Committee) said that the Controller had transmitted a statement to the Committee, indicating that section I, paragraph 7, and section II, paragraph 10, of draft resolution A/C.3/54/L.49 dealt with budgetary and administrative issues, which were the prerogative of the Fifth Committee, and drawing attention to paragraphs 6 and 7 of document A/C.3/54/6 on the organization of the work of the Third Committee.

2. **Ms. Liira** (Finland) introducing draft resolution A/C.3/54/L.49, on the rights of the child, said that the following countries had also become sponsors: Afghanistan, Algeria, Azerbaijan, Belarus, Benin, Bhutan, Botswana, Burkina Faso, Cameroon, Cape Verde, China, Côte d'Ivoire, Guinea, India, Iraq, Israel, Japan, Kenya, Kyrgyzstan, Lesotho, Liberia, Madagascar, Mali, Micronesia (Federated States of), New Zealand, the Republic of Korea, the Republic of Moldova, the Russian Federation, Senegal, Sierra Leone and South Africa. In section III, paragraph 7, the words "the Rome Statute of the Criminal Court" had been revised to read "the Statute of the Court".

3. Despite universal commitment to the protection and promotion of the rights of the child, children continued to be critically vulnerable. In order to achieve the full implementation of those rights, much remained to be done. Summarizing the main points raised in the resolution, she said that her delegation was grateful to all delegations that had participated in the elaboration of the text. Those negotiations had produced a document that aptly reflected international concerns about the current situation of children and underscored a common commitment to furthering the rights of the child in the new millennium.

Agenda item 110: Implementation of the outcome of the Fourth World Conference on Women (*continued*) (A/C.3/54/L.54 and L.55)

Draft resolution A/C.3/54/L.54 on the follow-up to the Fourth World Conference on Women and full implementation of the Beijing Declaration and Platform for Action (*continued*)

4. **The Chairman** said that draft resolution A/C.3/54/L.54 had no programme budget implications.

5. *Draft resolution A/C.3/54/L.54 was adopted.*

Draft resolution A/C.3/54/L.55 on preparations for the special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century"

6. **The Chairman** said that draft resolution A/C.3/54/L.55, which had been recommended by the Economic and Social Council for adoption, had no programme budget implications.

7. *Draft resolution A/C.3/54/L.55 was adopted.*

Agenda item 114: Elimination of racism and racial discrimination (*continued*) (A/C.3/54/L.26)

Draft resolution A/C.3/54/L.26 on measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance (continued)

8. **The Chairman** drew the Committee's attention to the statement of the Controller on the organization of the Committee's work, contained in document A/C.3/54/6 and recalled that the draft resolution had been orally revised by the representative of Guyana when it had been introduced.

9. **Ms. Elliot** (Guyana) said that the following countries had also become sponsors: Australia, Austria, Belgium, Canada, Germany, Iceland, Ireland, Israel, Italy, Japan, Luxembourg, Norway, Sweden and The former Yugoslav Republic of Macedonia.

10. **The Chairman** said that Malta and San Marino also wished to sponsor the draft resolution.

11. *Draft resolution A/C.3/54/L.26, as orally revised, was adopted.*

Agenda item 116: Human rights questions (*continued*)

(a) **Implementation of human rights instruments** (*continued*) (A/C.3/54/L.50)

(b) **Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms** (*continued*) (A/54/93, 137, 216, 222 and Add.1, 303, 319, 336, 353, 360, 386, 399 and Add.1, 401, 439 and 491)

(c) **Human rights situations and reports of special rapporteurs and representatives** (*continued*) (A/54/188 and 302, A/54/330-S/1999/958, A/54/331-S/1999/959, A/54/359, 361, 365, 366, and 387, A/54/396-S/1999/1000, A/54/409, 422, 440, 465-467, 482, 493 and 499, A/54/527-S/1999/1125, A/C.3/54/3 and 4)

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (*continued*)

(e) Report of the United Nations High Commissioner for Human Rights (*continued*) (A/54/36)

Draft resolution A/C.3/54/L.50 on torture and other cruel, inhuman or degrading treatment or punishment (continued)

12. **Ms. Newell** (Secretary of the Committee) said that the Controller had transmitted a statement to the Committee, indicating that paragraph 25 of draft resolution A/C.3/54/L.50 dealt with budgetary and administrative issues, which were the prerogative of the Fifth Committee, and drawing attention to paragraphs 6 and 7 of document A/C.3/54/6 on the organization of the work of the Third Committee.

13. **The Chairman** said that the draft resolution had been orally revised by the representative of Denmark when it had been introduced.

14. **Ms. Gee** (Denmark) said that Armenia, Bangladesh, Belarus, Bosnia and Herzegovina, Cameroon, El Salvador, Eritrea, Georgia, Morocco, the Republic of Korea, the Russian Federation, San Marino and South Africa had also become sponsors.

15. **The Chairman** said that Ghana, Guatemala, Liberia, Madagascar and Sierra Leone also wished to sponsor the draft resolution.

16. *Draft resolution A/C.3/54/L.50, as orally revised, was adopted.*

17. **The Chairman** invited the Committee to resume its general discussion of sub-items (b), (c), (d) and (e) of agenda item 116.

18. **Mr. Naber** (Jordan) said that his country attached great importance to the convening of the Open-ended Working Group on the Right to Development and hoped to see enhanced international support for national capacity-building in that area. It welcomed the recent decision of the International Monetary Fund (IMF) to include a human rights component in its debt-relief and poverty-eradication policy-making process.

19. While Jordan upheld the principle of tolerance and respect for human rights through its constitution, national laws and its accession to some 17 human rights instruments, the key lay in ensuring observance of such norms in practice. His Government had therefore established a number of independent human rights organizations that included representatives of civil society and non-governmental organizations. The National Commission for Women and the National Task Force for Children were cases in point. In that regard, Jordan welcomed the increasing emphasis of the Office of the United Nations High Commissioner for Human Rights on national capacity-building as a means of creating a human rights culture.

20. In spite of its economic, geopolitical and developmental constraints, the Jordanian Government continued to review the human rights guarantees provided through its legal, judicial and administrative systems. A centre had been established in Amman for the study of human rights and democracy with a view to promoting the principles of pluralism and raising awareness of democratic and human rights principles. A human rights unit attached to the Office of the Prime Minister also received information and complaints relating to human rights and reviewed public policy, participating in the drafting of relevant legislation.

21. Accountability and the absence of impunity were vital to preventing gross human rights violations at the international level. Jordan had acceded to the Statute of the International Criminal Court, by which the Court was granted jurisdiction over the crimes of genocide, crimes against humanity and war crimes. The international community should help to strengthen the capacity of the United Nations to prevent the repetition of such crimes or coordinate collective action to that end. Sovereignty was not inconsistent with human rights, and international law should never license actions aimed at denying or assailing the dignity of the human person.

22. **Mr. Bocalandro** (Argentina) said that Argentina fulfilled its human rights treaty reporting obligations to the utmost of its ability. Since the resumption of democratic rule in Argentina in late 1983, that country had adopted internal measures to give tangible form to the principles of human rights. Institutions for the promotion and protection of human rights had been established, including in particular the human rights departments within the Ministry of the Interior and the Ministry for Foreign Relations. There was a prison procurator whose role was to protect the human rights of persons incarcerated in the federal prison system, and local human rights institutions had been set up in the provinces.

23. The 1994 reform of the Argentine Constitution had incorporated eleven fundamental human rights

instruments, established the precedence of international treaties over national legislation, and introduced a new article on a human rights ombudsman. Argentina had also adopted a set of laws aimed to redress previous human rights violations by providing compensation to persons who had suffered the consequences of the former authoritarian regime. With the completion of the proceedings currently under way, it was estimated that the Government would have paid a total of $3 billion. The Argentine Government had carried out those activities with a view to fulfilling its commitments under the Vienna Declaration and Programme of Action, and in accordance with the principle of respect for the human person.

24. **Mr. Esaw** (Togo) said that the extraordinary technological advances of the twentieth century were in sad contrast to the macabre scenes of genocide, inhuman and degrading treatment, and violence against women. His delegation reaffirmed its full support for the principles of objectivity, impartiality and non-selectivity and its belief that since human rights were indivisible and interdependent, equal importance must be devoted to economic and socio-cultural rights and to civil and political rights. The importance accorded by the international community to the right to development should be reflected in the Committee's work; and his delegation hoped that an international instrument would soon be adopted on the subject.

25. His Government had made the promotion and protection of human rights a priority. The introduction of human rights education in schools in December 1998 and the proclamation of 1999 as a year of human rights and dialogue demonstrated his Government's determination to make respect for human rights a reality. The fundamental law of Togo incorporated the basic principles of the Universal Declaration of Human Rights and guaranteed the full enjoyment of civil and political rights. Togo had acceded to most of the international human rights instruments. As to implementation, it was significant that there were no political prisoners in Togolese prisons, and there were numerous human rights bodies, political parties, women's associations and independent newspapers. Togo was grateful for the assistance provided by the United Nations Centre for Human Rights, especially in the area of training.

26. Human rights could be fully exercised only in a system of democracy and the rule of law. Togo had established a national human rights commission, which consisted of members elected by the deputies of the National Assembly, and considered cases of human rights violations and organized training seminars and conferences. In that regard, his delegation welcomed the support of the Office of the High Commissioner for Human Rights for the holding of regional meetings of national institutions. The essential judicial institutions had also been established, as well as a ministerial department for the promotion of democracy and the rule of law.

27. The Togolese Head of State had initiated a dialogue with all the political parties on 20 November 1998 with the objective of resolving political differences by peaceful means and through dialogue to help create a stable and peaceful environment conducive to the enjoyment of all human rights. The causes of conflicts were often economic; poverty was the enemy of human rights. His Government therefore renewed its appeal for the rapid resumption of cooperation with friendly countries to enable it to strengthen its capacities for the promotion and protection of human rights.

28. **Ms. Rajaonarivelo** (Madagascar) said that her Government believed that the promotion and protection of human rights should be an integral part of the efforts of the international community to create an environment that was conducive to sustainable development. Madagascar, like many other countries, recognized that it needed to do more to promote human rights and was in favour of regional and international technical cooperation to help States implement the instruments in force.

29. Human rights continued to be flouted throughout the world. Practical approaches needed to be developed. Madagascar, for its part, had strengthened its institutional capacities and established a national human rights commission and a human rights monitoring centre. Human rights assistance agreements had been signed with the Office of the High Commissioner. Madagascar had recently signed the International Convention for the Suppression of Terrorist Bombings and had adopted a plan of action for the protection of children. Efforts had been made to improve the quality of education and introduce human rights education. Her Government had particularly stressed the need for economic development policies, since the right to development was inseparable from the effective enjoyment of human rights, but was concerned that there was as yet no prospect of elaborating a convention on the right to development.

30. It was an absolute priority to advance the process of democratization in a number of African countries, establish good governance and a State based on the rule of law, and take concrete and effective measures to prevent conflicts, which were the source of grave violations of human rights. Madagascar welcomed the efforts made in that regard by

OAU and believed that only international support and solidarity, through the development of bilateral, regional and international cooperation and based on respect for sovereignty and non-interference in internal affairs, were the best solution.

31. **Mr. Babar** (Pakistan) said that the Third Committee should provide clear guidance to the United Nations system as to what it expected from it in terms of dealing with human rights questions. The human impact of political and economic crises in many parts of the world had been intensified and deepened by the process of globalization. Globalization had resulted in a new form of economic, cultural and political domination, giving rise to greater inequalities, higher levels of unemployment and serious social problems. It was imperative to promote growth with equity, so that globalization would benefit, rather than exploit, the poor.

32. Implementation of the right to development was central to promotion of human rights throughout the world. Pakistan was concerned by the reference in the report of the United Nations High Commissioner for Human Rights (A/54/36, para. 60) to the fact that the Working Group on Common Indicators, established by the United Nations Development Group, was developing civil and political rights indicators to complement existing economic and social indicators. Such an approach could impose new conditions for development funding, which was unacceptable. Any discussions in that regard should be conducted in a transparent, open and participatory intergovernmental process.

33. It was regrettable that the century was ending as it had begun — with conflict in the Balkans. There and elsewhere, history had shown that the most serious human rights violations occurred in situations of armed conflict. The people of Jammu and Kashmir continued to struggle for their right to self-determination. India used massive repression, electoral fraud and its own quislings to maintain its occupation of Kashmir. More than 60,000 Kashmiris had been killed under India's campaign of "State terrorism" against a popular, indigenous and self-sustaining struggle for self-determination.

34. The European Union should call upon India to grant the people of Kashmir the right to self-determination, bringing an immediate end to its acts of terrorism and accepting the presence of impartial human rights observers, and should also review the massive human rights violations perpetrated by the Indian army in Kashmir. The Kashmiri people had been subjected to abuses, including arbitrary detention, torture, extrajudicial killings, collective punishments, rape and violation of their holy places. Perpetrators of such violations were immune from prosecution. The international community should forcefully condemn Indian State-sponsored terrorism in Kashmir.

35. When its attempt to legitimize the situation in Kashmir had been frustrated by an extremely low turnout at its staged elections, India had arrested the entire Kashmiri leadership. His delegation wondered why the international community had not expressed concern at those events. While Pakistan was committed to finding an early solution to the Jammu and Kashmir dispute, India refused to enter into talks.

36. A number of international principles and guidelines should be adopted to ensure protection of human rights in armed conflict. States and other parties should adhere scrupulously to international humanitarian law, ensuring applicability of the Geneva Conventions and full access to humanitarian relief for affected populations. There should be a standing provision to allow human rights monitors to visit occupied or conflict-torn areas. A post should be created for a special rapporteur on human rights violations in such areas. Field missions should be authorized to receive and investigate complaints of violations of rights, while the parties involved should be obliged to afford full cooperation. The international community should ensure that populations living under occupation were able to communicate freely with human rights bodies.

37. Pakistan condemned terrorism in all its forms and manifestations and believed that an international conference on terrorism should be held with a view, *inter alia*, to defining the term itself. The international community should distinguish between terrorism and the legitimate struggle of peoples to achieve self-determination and national liberation. The right to self-determination underpinned the very existence of the nation state, and efforts to address that distinction were to be encouraged. Pakistan had been extremely disappointed by the tone and content of the statement by the European Union, which had deliberately ignored the visible and popular changes that had occurred in Pakistan. The people of Pakistan had widely endorsed the change, which would contribute to the stability and survival of the State.

38. The European Union had attacked the Pakistani Government on the basis of an isolated crime of passion. Pakistan had consistently condemned such crimes as abhorrent acts of murder. The European Union should focus rather on large-scale acts of violence against women and human rights abuses elsewhere, condemning

institutionalized racism, random killing of schoolchildren and racist attacks against immigrants in Europe. Pakistan upheld the Islamic principles of tolerance and universal brotherhood, ensuring full respect for, and protection of, the rights of its minorities. All human rights should be treated on an equal footing, with full respect for national, religious, historical and cultural differences. Any attempt at selective targeting of countries for political ends should be rejected, since no country had a monopoly on human rights virtues.

39. **Mr. Suh Dae-Won** (Republic of Korea) said that respect for human rights was an absolute value which must be adhered to by all nations; no racial, ethnic, cultural or religious particularities could warrant human rights violations. Moreover, State sovereignty should not be invoked in cases of humanitarian crises where the Charter of the United Nations legitimately called for the intervention of the United Nations. In the context of the current global difficulties, it had become increasingly evident that economic, social and cultural rights must no longer be relegated to a secondary rank. An integrated approach must be pursued encapsulating all human rights; without the elimination of absolute poverty and the empowerment of the individual, all efforts to advance human rights were undermined.

40. It was encouraging to note that the United Nations system was attaching more importance to economic, social and cultural rights. His delegation was convinced that in achieving the right to development, priority should be given to promoting democracy and strengthening good governance, while placing special emphasis on empowering individuals and providing them with equal access to political, economic and other opportunities. Over the past 50 years of nation-building, the Republic of Korea had learnt that economic success could not be sustained without the concurrent advancement of human rights and democracy. For that reason, his Government was vigorously pursuing the parallel development of democracy and the market economy.

41. Recent conflicts around the world had demonstrated that human rights violations became the root causes of future conflicts. To prevent the outbreak of such situations, effective steps must be taken at the collective level. The United Nations should therefore continue to bolster its capacity for early warning and preventive action by further strengthening its human rights field presence and the special procedures of the Commission on Human Rights. The international community must accelerate its efforts to eradicate the culture of impunity. In that connection, his delegation looked forward to the establishment of the International Criminal Court.

42. The international community must work harder to promote human rights education and a culture of tolerance. It was a matter of deep concern that hate crimes, rooted in ethnic prejudices and intolerance, were proliferating in some parts of the world. His delegation believed that United Nations human rights mechanisms, the United Nations Educational, Scientific and Cultural Organization (UNESCO) and other relevant bodies should further coordinate and strengthen their efforts to promote tolerance.

43. His Government was taking specific action to improve human rights-related laws and practices. To that end, it had completed preparations for the establishment of an independent national human rights commission which would safeguard and promote human rights and redress violations. Owing to the current security situation, his Government could not repeal the National Security Law, but in the light of the views of the Human Rights Committee regarding the incompatibility of some of its provisions with freedom of expression, his Government was preparing to amend it.

44. **Mr. Bilman** (Turkey) said that earlier publication of the reports of the Secretary-General relating to human rights questions would have further enhanced the quality of the Third Committee's dialogue with special rapporteurs and special representatives. While Turkey appreciated the work of the Office of the United Nations High Commissioner for Human Rights, it believed that the staff of the Office did not reflect equitable geographical distribution and looked forward to a review of its personnel structure.

45. Every country could improve its human rights record, and no country was immune from criticism in that regard. Allegations and criticisms, however, should be made in a constructive manner, free from attempts at political manipulation. Governments had a duty to enhance the fundamental rights of their citizens, making efforts to eliminate their own shortcomings. For their part, successive Turkish governments had acceded to a number of international human rights instruments, affording full cooperation with the relevant international mechanisms.

46. The strengthening of democratic institutions and human rights and constitutional reform were high on Turkey's national agenda. Its human rights record could not, however, be understood without taking account of the sacrifices of the Turkish people in combating terrorism aimed at its democratic institutions and freedoms. Those

who sponsored such terrorism could not undermine Turkey's commitment to human rights.

47. His country's accomplishments in that area included constitutional reform, reduction of periods of detention, prison reform, stiffer penalties for those found guilty of torture, parole for journalists in prison, reform of the State Security Courts and stricter guidelines for the apprehension, detention and release of suspected criminals. A human rights coordinating committee had already taken more than 150 legal and administrative decisions in that regard. The Government had also pledged itself to further reform measures. Indeed, a new human rights culture was fast taking hold in Turkey.

48. Human rights were universal and might be violated by States as well as by non-State actors. The phenomenon of the rise of non-State terrorist entities with transnational reach posed a serious threat to human rights and freedoms. Alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms were needed to address such challenges. His delegation had been saddened and disappointed by the comments relating to Cyprus made by the representative of Greece at the fortieth meeting of the Third Committee. The Greek representative had distorted the facts, presenting the Cyprus issue as resulting from the occupation of an independent country. Greece itself had not only encouraged, but actively participated in the destruction of the partnership State of Cyprus.

49. Greece had been responsible for the forceful eviction of Turkish Cypriots from their homes and for indiscriminate killings of members of that community. Turkey's intervention had been aimed at bringing an end to those human rights abuses. The problem of Cyprus had begun in 1964, when Greece had clandestinely sent thousands of officers and men to the island, in violation of the Cyprus Treaties. Indeed, the 1974 coup d'état had been characterized by the international community as an invasion by Greece.

50. The Greek Cypriot side had destroyed the partnership Republic of 1960, a republic which had been established jointly by the two peoples of the island. It was the efforts of the Greek Cypriot side to annihilate the Turks of Cyprus and their appropriation of the title "Government of Cyprus" which had led the Turkish Cypriots to establish their own administration. It was regrettable that the Greek representative had chosen to distort historical facts at a time when the Secretary-General was working to find a lasting and peaceful solution to the problem. The confederation proposal put forward by President Denktas could pave the way for such a solution.

51. **Ms. Olea** (Congo) said that the Congo had acceded to the Universal Declaration of Human Rights and ratified all the international human rights instruments. The fundamental law which governed the period of transition in the Congo proscribed all cruel, inhuman and degrading treatment. In 1990, the Congo had embarked on a process of political democratization, but the leaders at that time had unleashed two civil wars, the consequences of which were still imperilling the country's future. The transitional Government had faced enormous difficulties in the protection and promotion of human rights, but had convened a national reconciliation forum which had led to the formation of a government of national unity and the relaunching of the democratic process.

52. General elections to have been held in 1999 had been brutally interrupted by the resumption of violence by armed bands, which had committed violations of the most fundamental human rights. With the gradual return of peace, his Government was engaged in restoring order and respect for the law. While it recognized that more needed to be done for the effective protection and promotion of human rights, it had been able to ensure freedom of association and freedom of the press and of opinion. In order to promote political dialogue with the opposition and consolidate peace, the Government had now proclaimed an amnesty for all former combatants who renounced violence and gave up their weapons.

53. The Congo was determined to achieve lasting peace and reconstruction, and expressed its gratitude to the community of donors and especially to the European Union, its main development partner. It was aware of the difference between the commitment of its partners and the frivolousness of certain publicity-seeking moralists who made no distinction between armed bandits and the government troops which were struggling to achieve peace. His Government therefore totally rejected the allegations made by the representative of Finland on behalf of the European Union. As a partner, the European Union should strive to support his Government in its efforts for peace, stability and reconstruction, thereby giving it the necessary means to restore order and the rule of law in order to protect and promote human rights.

54. Through the efforts of the army, former occupied areas had been opened up to humanitarian convoys. The donors, however, were refusing to participate in that process. The Congolese people needed increased humanitarian assistance, not criticisms and allegations. His

Government reaffirmed its commitment to do everything possible to establish all necessary conditions for the consolidation of peace throughout the national territory and the promotion of political dialogue with a view to national reconciliation, the restoration of democracy, and the restructuring of the national economy.

55. **The Chairman** invited delegations wishing to do so to speak in exercise of the right of reply to statements made under agenda item 116.

56. **Mr. McKenzie** (Trinidad and Tobago) said that he was replying to Finland's statement on behalf of the European Union the previous day, in which it had expressed concern over the trend in the Caribbean towards greater recourse to the death penalty, and the end of Trinidad and Tobago's long-standing moratorium on executions, and its regret that some countries had withdrawn from the Optional Protocol to the International Covenant on Civil and Political Rights in order to reaccede with reservations.

57. There could be no diminution of the notion of State sovereignty. From it flowed the principle of the equality of States, meaning that all were entitled to full respect by other sovereign States, and the concomitant duty of other States not to interfere in the internal affairs of a sovereign State. From it also flowed the right of every State to exercise exclusive jurisdiction over its entire territory and all persons and things therein, subject to certain immunities under international law — and hence the duty of non-interference with that jurisdiction, except with the consent of that State. Article 2, paragraph 7, of the Charter of the United Nations removed all doubt on the matter.

58. A State's decision regarding the death penalty was a decision within its sovereign jurisdiction, taken in order to protect the human rights of all its citizens. Trinidad and Tobago had always implemented the death penalty only for the most heinous crimes and after due process, having granted all rights of appeal and provided adequate legal assistance at all stages. It had scrupulously observed international safeguards, and had been just in the application of its laws. His country's law allowed five years between conviction and final appeal, and his Government had been compelled to withdraw from the Optional Protocol because the Human Rights Committee had prolonged its consideration of cases involving some of its citizens well beyond the statutory five years. The body of international law having been developed, by and large, by European scholars, the members of the European Union could be expected to know that the principle of State sovereignty was sacrosanct.

59. **Mr. Shen Guofang** (China) said that his Government resolutely rejected the unwarranted allegations made against China by the European Union, Canada, Australia and particularly the United States of America. It was untrue, as the latter had claimed, that the human rights situation in China had deteriorated in the previous year. His Government had worked to eliminate poverty, ensure the healthy development of the economy and institute political and legal reforms, and, in the process, the enjoyment of human rights by all its citizens, including Tibetans, had increased.

60. Clearly the United States representative had had no experience with evil cults such as Falun Gong. Its practices had serious social consequences, having led to almost 1,500 deaths, or to mental breakdowns, suicides and broken families; the leader of the cult, urging his followers never to seek medical treatment, claimed to be the saviour of the world. Those were hardly human rights deserving of protection, whereas China had legally banned the cult precisely to protect the human rights of its population. In seeking to stop the cult from spreading, Chinese authorities had relied mainly on persuasion and education of its followers and on publicizing the leader's illegal practices. No coercion had been involved, although, of course, any cult members who had violated the law had had to be brought to justice.

61. By its criticisms, the United States was interfering in the internal affairs of China, and was, moreover, typically applying a double standard, especially in view of its Government's own recent murderous response to a cult in Texas. There were serious human rights violations in the United States itself: its racial discrimination was notorious, there were incessant incidents of police violence, including torture, and police shootings, and the raping of women in prisons was commonplace. A State with such a bad human rights record of its own was not qualified to criticize others. The European Union and Canada, which had seen fit to accuse other States, should have the courage to criticize the United States for its observance of human rights; and urge it to remedy its failure to ratify a number of the major human rights instruments, and to withdraw its dozens of substantive reservations to the International Covenant on Civil and Political Rights.

62. **Mr. Rhallis** (Greece), replying to the statement by Turkey, said that the human rights violations in Cyprus stemmed from the invasion and occupation of a third of the island by Turkey, in violation of the Charter of the United Nations. The facts had been fully established and could not be altered or justified. The first Security Council resolution on Cyprus in 1974 had already called for the immediate

withdrawal of Turkey, and had been followed by innumerable others in the following quarter century. None of those resolutions condemned Greece.

63. **Mr. Hadjiargyrou** (Cyprus) observed that, as Greece had said, the facts spoke for themselves. Turkey was maintaining a secessionist entity in his country through sheer military force. By so doing, it was violating the human rights of Cypriot refugees, a position taken also by the European Court of Human Rights in a recent case. Although Turkey sought to have the violations of human rights date back to 1963, the international community had registered its position in numerous Security Council resolutions since 1974, which Turkey was still disregarding. In Cyprus, individual human rights as well as the rights of the nation were being trampled upon.

64. His Government called on Turkey to withdraw its preconditions for entering into renewed negotiations, along the lines set by the Security Council, the G-8 group of countries and the international community. The confederal proposals put forward by the leader of the secessionist entity lay outside the international community's accepted parameters, for, in effect, they aimed at acceptance of partition and recognition of the so-called two States. Negotiations as outlined by the international community would make it possible to safeguard the human rights of both Greek and Turkish Cypriots into the next century.

65. **Mr. Bilman** (Turkey) reiterated that Greece had been heavily implicated in the destruction of the Republic of Cyprus in 1963. The years between then and 1974 stood as a shameful episode, a genocidal campaign of ethnic cleansing by the Greek Cypriots against the Turkish Cypriot community, in which hundreds had been killed or had disappeared, and the Turkish community had been forced to live in enclaves under siege while being denied the most basic human rights, despite the United Nations presence in the island. Greece had throughout encouraged the most rabid elements in the Greek Cypriot community, and was trying to make the status quo inalterable.

66. The two statements made the previous day and that day by the Greek Cypriot representative had been very biased and reflected a hatred that showed how unprepared the Greek Cypriots were to come to terms with the Turkish Cypriots as equal partners in a future settlement.

67. **Mr. Rhallis** (Greece) asked why, if Greece had been responsible for the Cyprus problem, massive human rights violations were occurring even at the moment. Already in 1994, United Nations reports had stated unequivocally that the absence of agreement on Cyprus had been due essentially to lack of political will by the Turkish Cypriot side.

68. **Mr. Hadjiargyrou** (Cyprus) said that the provocative Turkish statement gave an indication of what the Republic of Cyprus had been facing for the last 25 years in an effort to find a solution. Turkey had put forward a warped interpretation of events going back to 1963. Yet the ongoing atrocities were well documented, and on four different occasions the European Court of Human Rights had issued judgements against Turkey. The Government of Cyprus looked instead to the future: its aim was to build a State with two communities that could construct a good life for the next generation.

69. **Mr. Bilman** (Turkey), responding to Greece, said that Greece and the Greek Cypriots bore full responsibility for all the misfortunes in Cyprus. Turkey and the Turkish Cypriots had no intention of allowing Greece and its representative on the island to achieve politically what they could not achieve on the ground. Currently there were two distinct peoples in Cyprus, two distinct States, two distinct legal structures.

The meeting rose at 5.25 p.m.